

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERROL W. LONGEE,

Defendant.

CR 04-121-GF-BMM

CR 04-160-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on November 16, 2016. Defendant admitted that he had violated the conditions of his supervised release by failing to report for substance abuse treatment, by failing to report for substance abuse testing, by failing to report to his probation officer as directed, by failing to successfully complete a sex offender treatment program, and by consuming alcohol. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of seven months, with 24 months of supervised release to follow.

Judge Johnston further recommend that Defendant's supervised release include six months in a Residential Reentry Center, if he is accepted.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted that he had violated the conditions of his supervised release. Defendant could be incarcerated for up to 24 months. He could be ordered to remain on supervised release for 31 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of seven months in custody, followed by 24 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 72 in Cause CR 04-121-GF-BMM, Doc. 53 in Cause CR 04-160-GF-BMM)

are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 15th day of December, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge